

EXHIBIT D

STATE OF TEXAS – DENTON COUNTY COURTS

362nd Judicial District Court

Mr. Michael Moates

Case No.: 21-6417-362

Plaintiff

v.

**APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND TEMPORARY
INJUNCTION**

Lone Star College System,

Dr. Hrisafia Bekiaris,

Dr. Jess Kelly,

Leslieann Thomas,

Dr. Christopher Allen, and

Alicia Guevara

Defendants

1. On 29 July 2021, the Plaintiff filed a lawsuit against the Defendants.
2. Whereas, the Plaintiff realleges all statements contained in the petition.
3. Plaintiff requests the Court enter a temporary restraining order and a temporary injunction prohibiting Defendants and their agents or employees from the following:
 - a. Coercing the Plaintiff into contracts he does not consent to or threatening a failing grade for non-compliance (Exhibit A and B);
 - b. Recording the Plaintiff in anyway without his consent (EXHIBIT C);

- c. Requiring the Plaintiff to submit to any software that requires biometrics (EXHIBIT D);
 - d. Releasing information that is protected by FERPA to 3rd Parties such as D2L, McGraw Hill, Respondus, and anyone else (EXHIBIT E);
 - e. Entering a failing, no-credit, or incomplete grade in the class (The request requires the college to leave it as in progress until the court has time to review the facts)(EXHIBIT G);
 - f. Discriminating against the Plaintiff by adding barriers to his education such as requiring him to go to a testing center or schedule exams (not required of typical students)(EXHIBIT H);
 - g. Releasing or collecting data from the Plaintiffs electronic devices outside of the classroom specifically, browsing history, contact information, location, etc (EXHIBIT I);
 - h. Misleading the Plaintiff (EXHIBIT J);
4. Absent this relief, Plaintiff will imminently suffer irreparable harm in an amount that cannot be known or calculated at this time. These are the immediate issues at stake:
- a. Unauthorized disclosure of private data to 3rd parties;
 - b. Inaccurate grades that would be potentially released to potential employers while the Plaintiff pursues litigation;
 - c. Forcing the Plaintiff into contracts he does not submit to;
 - d. Discrimination that cannot be undone once the semester is over.

1 WHEREFORE, The Plaintiff prays that the Court grant it injunctive relief against Defendant,
2 for damages caused by Defendant's wrongdoing, and for all such other and further relief to
3 which Plaintiff may show himself justly entitled.

4
5 Respectfully Submitted,

6 /s/ Michael S. Moates






7 Michael Moates, Pro Se

8 Michaelsmoates@gmail.com

9 817-999-7534

10 2700 Colorado Boulevard #1526, Denton, TX 76210
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A –
DOCUMENTATION SHOWING THE PROFESSOR REQUIRES THE USE OF
RESPONDUS LOCKDOWN BROWSER



LONE STAR COLLEGE ONLINE BIOL-2401 6005 6W2 Human Anatomy &...      Michael Moates

Content Grades Course Activities ▾ Collaboration ▾ Support

[Quiz List](#) ▸ [Summary](#)

Summary - CHAPTER 9 QUIZ - Requires Respondus LockDown Browser + Webcam

▼

 Listen 

Quiz Details

Current Time
3:06 AM [Update](#)

Current User
Michael Moates (username: MMOATES)

Quiz Period
Available on Aug 7, 2021 12:00 AM until Aug 20, 2021 11:59 PM

Time Allowed
0:20:00

Attempts
Allowed - 1, Completed - 0

Instructions

Before you submit the quiz, you will have the opportunity to return to questions that you may have missed or have not yet answered. Once the allocated time period that was set for this quiz expires, you are required to submit your quiz responses.


Note: Any responses entered after the time limit expires will not be submitted.

Click "Start Quiz" to begin Attempt 1.

The timer will not begin until after the set up process is finished.

Quiz Requirements

You must use the Respondus LockDown Browser to take this quiz.

[Download and install the latest version of LockDown Browser](#) 

[Launch LockDown Browser](#)

EXHIBIT B –
DOCUMENTATION SHOWING THAT IN ORDER TO DOWNLOAD RESPONDUS YOU
MUST CONCENT TO THEIR CONTRACT (TERMS OF USE)

Respondus[®]
Assessment Tools for Learning Systems

LockDown Browser

OVERVIEW



This brief video explains the basic features of LockDown Browser and why it's used at your institution.

VERSION



Version: 2.0.7.05
Your system: Mac OS X
Download size: 104.4 MB
[System requirements](#)

[Do you need the Windows version?](#)

INSTALL

Install LockDown Browser for:
Lone Star College System

INSTALL NOW

Note: Your antivirus software must allow you to install software.

By clicking the "Install Now" button, you acknowledge that you have read and agree to the [Respondus Inc. License Agreement](#)

Copyright © 2020 Respondus, Inc. All rights reserved.
[Privacy & Cookies](#)

EXHIBIT C – DOCUMENTATION SHOWING RESPONDUS DOES RECORD YOU

Respondus®

Assessment Tools for Learning Systems

[About](#) | [News](#) | [Webinars](#) | [Support](#) | [Contact](#) | [Customer Login](#)

Solutions for Higher Ed



Respondus Monitor® is the leading remote proctoring solution for higher education. It allows students to take online assessments from a remote location - all while ensuring the integrity of the exam process.

[Watch Overview Video](#)



Builds upon LockDown Browser

It starts with LockDown Browser, a custom browser that locks down the testing environment within a learning system. Students cannot print, copy, access other applications, or search the internet during an online exam.



Integrates Seamlessly with LMSs + Publisher Systems

Respondus Monitor integrates seamlessly with learning systems like Canvas, Blackboard, Moodle, Brightspace, Schoology, [Pearson MyLab](#), and [McGraw Hill ALEKS](#). Students access exams within their learning system as they normally would. Instructors do everything within the learning system too, including the post-exam review of proctoring results.



Fully-Automated Proctoring

Respondus Monitor is a fully-automated proctoring solution. Students use a webcam to record themselves during an online exam. Afterward, flagged events and proctoring results are available to the instructor for further review.



No Scheduling or Registration

There's no need to schedule a proctoring session in advance. Students and instructors don't even have to register at the Respondus website.



"Auto-Launches" from any Browser

After a quick one-time installation, Respondus Monitor launches from the student's preferred browser (Chrome, Firefox, Safari, Edge) whenever the exam settings require it. Students are then guided through a pre-exam sequence, including a webcam check.



Supports most Devices



Respondus Monitor isn't just a browser plugin. It offers a native, feature-rich experience for Windows, Mac, Chromebook and iPad devices.

One technology, *lots* of flexibility.

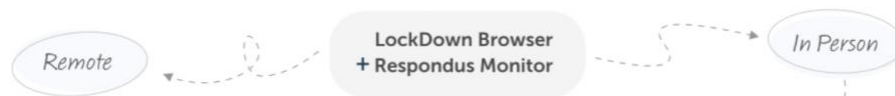


EXHIBIT D –

PAGE 4 FROM THE INSTRUCTORS SYLLABUS SHOWING THE COLLEGE REQUIRES
YOU TO USE FACIAL RECOGNITION

Academic Integrity

The Lone Star College System upholds the core values of learning: honesty, respect, fairness, and accountability. The system promotes the importance of personal and academic honesty. The system embraces the belief that all learners – students, faculty, staff and administrators – will act with integrity and honesty and must produce their own work and give appropriate credit to the work of others. Fabrication of sources, cheating, or unauthorized collaboration is not permitted on any work submitted within the system.

The consequences for academic dishonesty are determined by the professor, or the professor and academic dean, or the professor and chief academic officer and can include but are not limited to:

Having additional class requirements imposed,
Receiving a grade of zero or "F" for an exam or assignment,
Receiving a grade of "F" for the course,
Being withdrawn from the course or program,
Being expelled from the college system.

Conflict Resolution

If you have an issue with any aspect of the class (grading, policies, instructor behavior, etc.), please discuss the issue with your instructor outside of class time. If you cannot resolve the issue with your instructor, you may contact the department chair to further discuss the matter.

Department/Division Contact:

Department Chair, BIOL & ENVR:

Dr. Christopher Allen, Christopher.A.Allen@LoneStar.edu, 281-655-3873 | Office: CSI
208

Dean of Instruction, Math and Sciences:

Dr. Jess Kelly, Jess.Kelly@lonestar.edu, 281-655-3789

Guidelines for Proctored Exams

This course will utilize the Respondus Lockdown Browser system to digitally proctor exams. Here are a few guidelines/reminders so that there are no misunderstandings throughout the term:

1. Ensure you are in a quiet environment by yourself. If anyone else is heard or seen in the room with you, you will be flagged for cheating.
2. No notes or other materials are allowed during the examination. This also means no phones!
3. Keep the facial recognition "on" throughout the exam. If it is alerting you that you are not being recognized you need to adjust your positioning. Your entire face must be visible at all times.
4. Please wear clothes during your exam. Yes, this does happen.
5. Please keep your eyes on the screen. Any gazing away from the screen repeatedly will be flagged as cheating.
6. Be thorough with your 'environment sweep'.
7. Turn all other distractions off.
8. You are not allowed to get up and walk around/answer phones/get a drink, etc once you begin the exam.

EXHIBIT E –

VARIOUS TERMS OF SERVICE SHOWING RELEASE OF DATA OR COLLECTION OF DATA BY 3RD PARTIES

RESPONDUS:

Data Collection

Respondus collects data to operate effectively and to strive to provide you with the best experience with LockDown Browser. You provide some of this data directly, such as when you contact us for support. Some data is obtained by recording how you interact with LockDown Browser by, for example, receiving error reports or usage data from software running on your device. Some data is obtained by how you interact with the assessment delivery system, such as the amount of time spent answering a question. The data we collect within the Help Services depends on the features you use, and includes the following:

MCGRAW HILL:

5. SUBSCRIBER DATA.


All information concerning Subscriber ("Subscriber Data") and Personally Identifiable Information concerning End Users shall belong to Subscriber and shall be considered Confidential Information of Subscriber subject to the terms and conditions of this Agreement. Subscriber assumes sole responsibility for: (a) providing any notices and obtaining any consent needed to the extent required under COPPA or other Applicable Privacy Law in connection with the collection, use and/or disclosure of Personally Identifiable Information from End Users; (b) providing a reasonable means for End Users or End Users' parents, as applicable, to review Personally Identifiable Information provided by End Users to the extent required by COPPA or other Applicable Privacy Law; and (c) establishing and maintaining reasonable procedures to protect the confidentiality, security, and integrity of the Personally Identifiable Information.

6. MCGRAW HILL USE OF SUBSCRIBER DATA.

As a service provider to Subscriber, McGraw Hill will establish and maintain reasonable procedures in accordance with its policies and practices and Applicable Privacy Law to protect the confidentiality, security, and integrity of Personally Identifiable Information and Subscriber Data received by McGraw Hill in connection with provision of the Solution to Subscriber. Subscriber acknowledges and agrees that McGraw Hill has the right to use the Personally Identifiable Information and Subscriber Data collected in connection with provision of the Solution for (a) purposes of performing its obligations under this Agreement, and (b) for research purposes in connection with quality control and the development of revised or new products or services ("Research Purposes"), provided that such Personally Identifiable Information and Subscriber Data will be used by McGraw Hill for Research Purposes only in the aggregate and so that the privacy of the individual's Personally Identifiable Information will be maintained.

EXHIBIT G –

LONE STAR COLLEGE CALENDAR SHOWING END DATE IN LESS THAN 14 DAYS ON
22 AUGUST

[About](#)
[Programs of Study](#)
[Paying for College](#)

[Admissions](#)
[Student Services](#)
[Community & Business](#)

Academic Calendar

Summer Semester 2021

Event	Date
Registration Begins for May Mini-mester and Summer Semester begins	March 1
Summer Mini-mester Payment Due	May 7
May Mini-mester classes begin	May 17
Payment Due (Summer 2021)	May 28
Memorial Day holiday	May 29 - 31
3-week Mini-mester ends	June 6
Summer I classes begin	June 7
4-week Mini-mester ends	June 13
Independence Day holiday	July 5
Summer I classes end	July 13
Summer II classes begin	July 15
Summer II classes end	August 22

Fall Semester 2021

Event	Date
Registration Begins for Fall 2021	April 12

Related

- [Events Calendar](#)
- [2020-2021 Important Dates](#)
- [2021-2022 Important Dates](#)
- [2020-2021 Academic Calendar](#)
- [2021-2022 Academic Calendar](#)
- [Final Exam Schedule](#)
- [Payment Information](#)
- [LSC Catalog](#)

EXHIBIT H –
VARIOUS TERMS OF SERVICE SHOWING DISCRIMINATION REQUIRING
ADDITIONAL REQUIREMENTS



Bekiaris, Hrisafia

Sat 7/24/2021 5:18 AM

To: Michael Moates

Cc: Thomas, Leslieann



Hi Michael. None of the Connect assignments (other than the lab practicals) are timed assignments.

In regard to the lab practical. This test is cannot be administered at the assessment center. Therefore I have removed the proctoring for you. I did have to create a hidden copy of the test for you that is password protected. This had to be done to avoid other students getting confused as to which test to take. The password is 'golgi'. Therefore, when you want to take the test I will need to make it visible to you and hide it as soon as you are done. I need a few hours of notice during regular business hours to do so. Please let me know when you want to take the lab practical. Also use the REMIND app to tell me when you have completed the exam.

Professor Bekiaris

...

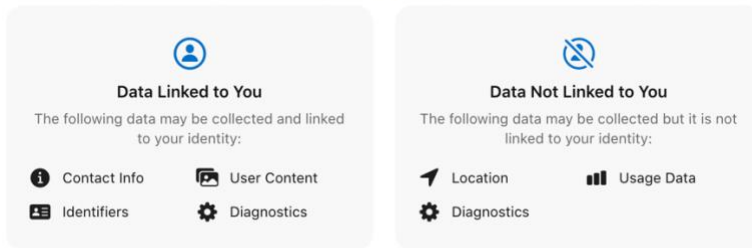
EXHIBIT I –

PROOF OF 3RD PARTY APP COLLECTION

D2L DATA COLLECTION FROM APPLE - <https://apps.apple.com/us/app/brightspace-pulse/id1001688546>

App Privacy[See Details](#)

The developer, **D2L Corporation**, indicated that the app's privacy practices may include handling of data as described below. For more information, see the [developer's privacy policy](#).



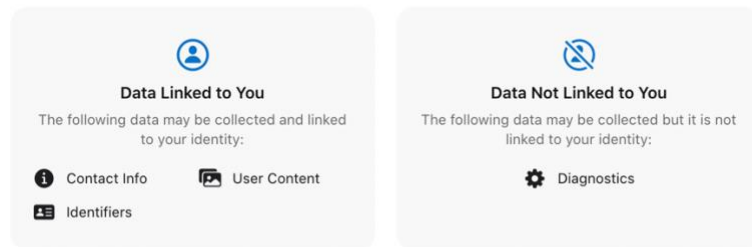
Privacy practices may vary, for example, based on the features you use or your age. [Learn More](#)

RESPONDUS DATA COLLECTION FROM APPLE -

<https://apps.apple.com/us/app/lockdown-browser/id659101775>

App Privacy[See Details](#)

The developer, **Respondus Inc.**, indicated that the app's privacy practices may include handling of data as described below. For more information, see the [developer's privacy policy](#).



Privacy practices may vary, for example, based on the features you use or your age. [Learn More](#)

EXHIBIT J –

TELLING PLAINTIFF, HE CAN DO EXAMS AT THE LIBRARY THEN RECENDING
THAT OFFER

BH Bekiaris, Hrisafia
Wed 7/21/2021 1:03 AM
To: Michael Moates; Thomas, Leslieann

Hi Michael. I suggest taking your exams in the library. However, the lab practical will still need to be accessed online since there is no physical lab for this class. Also, there are 12 quizzes during the semester. How do you plan to take those?

Professor Bekiaris

...

BH Bekiaris, Hrisafia
Thu 7/22/2021 10:26 AM
To: Michael Moates
Cc: Thomas, Leslieann

Hi Michael. Just curious why Mrs. Thomas suggested the library for you to take your exams instead of going to a LSC testing center? I am trying to make this work for you but having you in Fort Worth really makes this difficult.

Professor Bekiaris

...

TELLING PLAINTIFF, THE TESTING CENTER WILL CALL HIM, THEN SAYING THEY
WILL EMAIL HIM, THEN SAYING THEY SENT IT TO D2L

BH Bekiaris, Hrisafia
Mon 7/26/2021 10:00 AM
To: Michael Moates
Cc: Thomas, Leslieann

Hi Michael. You will be receiving a call from the assessment center in regard to setting up your quizzes and exams.

Professor Bekiaris

Reply | Reply all | Forward

BH Bekiaris, Hrisafia
Tue 7/27/2021 8:17 PM
To: Michael Moates; Thomas, Leslieann
Cc: LSC-VDAC; Allen, Christopher; Kelly, Jess

Hi Michael. Rey from the Assessment Center has assured me that an email was sent to you yesterday with time scheduling options. They have not heard back from you.

Professor Bekiaris

Get [Outlook for iOS](#)

...

BH Bekiaris, Hrisafia
Tue 7/27/2021 8:21 PM
To: Michael Moates; Thomas, Leslieann
Cc: LSC-VDAC; Allen, Christopher; Kelly, Jess

Michael, it was sent to your D2L email account.

Professor Bekiaris

Get [Outlook for iOS](#)

...

1 REFERING THE PLAINTIFF TO A WEBSITE TO SCHEUDLE THE EXAMS THAT SAYS
2 THAT IS NOT AN OPTION

3 **ALTERNATIVE TESTING**



5 **TESTING SERVICES IS NOT AVAILABLE**

6 This campus does not support online testing request at the moment. Please contact the **Disability Services Office (DSO)** office at your
7 campus to schedule your accommodation.

8 **List Class(es) with Alternative Testing as Accommodation**

9 Select Class: **BIOL 2401.6005 - Human Anat & Phys I** ▼

10 **Schedule Exam**

11 **Questions? Contact Us!**

12 Please contact our office if you have any questions regarding Alternative Testing request.

13 PLEASE NOTE: You only need to schedule your exam with Disability Services if you are approved for exam readers or scribes. All other
14 students with testing accommodations should contact their campus testing center to schedule their exams. If you do have exam
15 readers or scribes and have questions about scheduling exams, please contact LSC-ASR@LoneStar.edu or your campus Disability
16 Services Office.